

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9389 of 2025

Arising Out of PS. Case No.-763 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Dilip Kumar @ Dilip Yadav Son of Late Maheshwar Yadav Resident of Village - Sukhasan, Ward No.9, P.S. and District - Saharsa
2. Nitish Kumar Son of Guruk Lal @ Manoj Yadav Resident of Village - Sukhasan, Ward No.9, P.S. and District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Saharsa P.S. Case No. 763 of 2024 dated 28.07.2024, instituted for the offence punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The allegation is of recovery of 640.5 litres from the semi-constructed house and 195.84 litres foreign liquor from Bolero vehicle bearing Reg. No. BR11GD0765.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioners have been made



accused only on the basis of disclosure made by co-accused Sanjit Kumar. It is submitted that nothing has been recovered either from conscious possession of the petitioners or from their house. It is submitted that aforesaid 640.5 litres and 195.84 litres foreign liquor have been recovered from the semi-constructed house and from Bolero vehicle but the petitioners are neither the owner of the house nor the owner of the said vehicle. It is also submitted that the seized motorcycle also does not belong to the petitioners. Lastly, it has been submitted that petitioner no. 1 has one criminal case against him and petitioner no. 2 has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Saharsa P.S. Case No. 763 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise)-II, Saharsa, subject to condition as laid down under Section 438(2) of the



Cr.P.C. as also to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.

3. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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